

CHAPTER 19

AN ACT concerning non-lethal wildlife control on agricultural lands and amending P.L.1964, c.37.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1964, c.37 (C.23:4-63.5) is amended to read as follows:

C.23:4-63.5 Right to use mechanical devices to repel marauding birds and other wildlife.

1. Any provision of law or municipal ordinance to the contrary notwithstanding, any owner of lands used for agricultural purposes, shall pursuant to rules and regulations promulgated by the Division of Fish and Wildlife, have the right to use certain noise making and other mechanical devices, including non-lethal propane-powered noise making devices, intended to scare or repel marauding birds or other wildlife so as to prevent the damage and destruction of crops and other property.

2. Section 2 of P.L.1964, c.37 (C.23:4-63.6) is amended to read as follows:

C.23:4-63.6 Issuance of permits; cancellation; rules and regulations.

2. The Division of Fish and Wildlife is authorized to issue permits to the owners of lands used for agricultural purposes for the use of such devices and no such device shall be used by any person without first obtaining such permit. Any person who violates this section shall be liable to a penalty of \$20 for each such offense. Whenever the governing body of any municipality adopts a resolution pointing to undue hardship on nearby residents as a result of the use of any such device, and requests that the division deny or cancel the right to use such device, the Director of the Division of Fish and Wildlife, after review of all available evidence, may deny or cancel a permit to use such device when he determines that the use thereof creates an undue hardship on nearby residents. In arriving at any such decision, the director may consult with any county or Statewide advisory group the director may designate to advise the director on such matters. The division shall promulgate rules and regulations governing the types and use of such devices as will insure the safety of the public.

3. This act shall take effect immediately.

Approved January 31, 2019.